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Date: November 1, 2019

To: Mayor and Council

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Manager, Planning Services

RE: Application for Exemption from Plan of Condominium by
2524634 Ontario Ltd.
86 Wigle Ave.
Part of Block A, Plan 432, Parts 6 & 7, RP 12R 25287

Report No.: PS 2019-049

AIM

To provide the Mayor and Council with information on a requested exemption from approval of a plan of condominium for a commercial/industrial building at 86 Wigle Ave.

BACKGROUND

In 2017 Council granted site plan approval on the subject lands for the development of a 3,853.3 sq. m (41,480 sq. ft.) industrial building. The proposed use would be a storage type facility for local business or support facilities for out-of-town businesses. Once constructed the owner proposed to establish a commercial condo format to allow for the sale of individual units. Construction of the building is now complete and the owner would like to move forward with the sale of individual units.

DISCUSSION

There are two typical methods of subdividing a property. The first is plan of subdivision or consent (severance). This is used in cases where the development is on individual lots for residential, commercial or industrial development. The other method is plan of condominium which can be used for a new structure or where you have an existing multiple unit residential development or commercial/industrial building that you would like to subdivide but wish to retain ownership of the land and common elements. The plan of condo process also has an option for exemption from the full plan of condo process. This is commonly used for existing residential apartments which are changing from rental to condo. It can however also be used to create commercial or industrial condos.

The Town has received an application for exemption from Sections 51 and 51.1 of the Planning Act to allow for the existing commercial/industrial building to be converted to a commercial condominium form of tenure. Under Section 9 of the Condominium Act (proclaimed on May 2, 2001), Sections 51 and 51.1 of the Planning Act apply to condominiums unless exempted by the County. In doing so, the County must issue a Certificate of Exemption. Generally, the conversion of an existing building to a condominium is an example of when an exemption would be appropriate. Any reasonable condition can be applied before a Certificate of Exemption is issued.

The County was consulted regarding the process to be followed for exemption. This included the establishment of rights-of-way and easements for shared services and access with the property to the south. When Council granted site plan approval for the development it was originally included with the lands to the south at 106 Wigle Ave. The County requested that individual site plan agreements be prepared and registered prior to submission to the County for final approval. Both the required easements and rights-of-way have been completed and separate site plan agreement submitted for registration. (Appendix A and B)

The building will consist of a total of 45 units which provides the ability to provide flexibility as space needs change for current and future owners. (Appendix C). The final step required by the County is for Council to pass a resolution in support of the requested exemption. This acknowledges that the Town is satisfied that there are no further requirements for the development to satisfy and no need for conditions of approval on the request exemption.

LINK TO STRATEGIC PLAN

Support growth of the business community.

FINANCIAL CONSIDERATIONS

Building permit fees and development charges have been collected. There will be reassessment or reapportionment of the property taxes when the individual units are established.

CONSULTATIONS

1) Public Consultations

The approval of an exemption from plan of condominium in accordance to O. Reg 544/06 of the Planning Act, does not require public notice as it is a change in ownership and not use or subdivision of land.

2) Agency & Administrative Consultation

In accordance with O. Reg 544/06 of the *Planning Act*, Agencies and Town Administration were circulated for input.

Agency or Administrator	Comment
Essex Region Conservation Authority Watershed Planner	<ul style="list-style-type: none"> • No objections.
Town of Kingsville Management Team	<ul style="list-style-type: none"> • All items of concern were addressed at the time of the site plan approval or have been incorporated into the site plan agreement as requirements • Financial Services has requested that provisions be made by the developer to insure that all tax payments are kept current and up-to-date until such time as individual roll nos. have been assigned by MPAC to each of the individual units.
County of Essex	<ul style="list-style-type: none"> • The County Planner requested a resolution of Council in support of the requested exemption.

RECOMMENDATION

It is recommended that Council:

receive this report for information purposes on the request for exemption from plan of condominium;

support, by resolution, an exemption from plan of condominium, by the County of Essex, for the existing building located at 86 Wigle Ave., Part of Block A, Plan 432, Parts 6 & 7, RP 12R 25287, subject to the following condition:

that the applicant provide an outline to the Director of Financial Services detailing the provisions being made to ensure that the payment of taxes is kept up-to-date until all units have been provided with individual assessment roll numbers.

Robert Brown

Robert Brown, H. Ba, MCIP, RPP
Manager, Planning Services

Peggy Van Mierlo-West

Peggy Van Mierlo-West, C.E.T.
Chief Administrative Officer